

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen A. BAGSHAW
Title: METHOD AND SYSTEM FOR DUAL LINK COMMUNICATIONS
ENCIPHERMENT
App. No.: 09/777,032 Filed: 02/05/2001
Examiner: HENEGHAN, Matthew Group Art Unit: 2134
Customer No.: 34456 Confirmation No.: 2306
Atty. Dkt. No.: 1376-0100030

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-COMPLIANT APPEAL BRIEF

Dear Sir:

The Notice of Non-Compliant Appeal Brief dated October 5, 2006 has been received and considered.

The Office objects to the previously submitted Appeal Brief as allegedly failing to contain a statement of the status of all of the claims. Upon review of the previously submitted Appeal Brief and the current status of the claims, the Appellant disagrees and submits that the previously submitted Appeal Brief provides an accurate and complete statement of all of the claims of the present application.

The Office also objects to previously submitted Appeal Brief as it allegedly "neither lists nor argues most of the dependent claims, as is required" (emphasis added). While the Office is correct in noting that the merits of most of the dependent claims were not addressed in the Appeal Brief, the Office errs in asserting that Appellant is required to do so. Appellants may decide at their discretion which pending claims are to be appealed, and thus the lack of arguments in the Appeal Brief with respect to some of the pending dependent claims is appropriate.

The Office further objects to the previously submitted Appeal Brief as it allegedly does not contain a correct copy of the appealed claims. The Appellant respectfully disagrees. As provided in the previously submitted Appeal Brief, only claims 1, 12, 25 and 26 are under appeal, and the appendix of the previously submitted Appeal Brief correctly listed claims 1, 12, 25 and 26.

While reviewing the previously submitted Appeal Brief in view of the Notice, it was noted that the concise explanation of the subject matter defined in each of the independent claims was improperly formatted. Accordingly, the Appellant submits herewith a revised Appeal Brief having an amended concise explanation.

Respectfully submitted,

/Ryan S. Davidson/
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October 20, 2006
Date